

REMARKS

The present application includes pending claims 1-20, all of which were rejected. By this Amendment, claims 1, 7 and 14-18 have been amended. The Applicant respectfully submits that the pending claims define patentable subject matter.

On December 6, 2007, the Applicant filed an after-final Amendment Under 37 C.F.R. 1.116, in which certain claims were amended. However, these claim amendments were not entered. *See* December 27, 2007 Advisory Action. In response to the Advisory Action, the Applicant filed a Notice of Appeal along with a Pre-Appeal Brief Request for Review on January 21, 2008. In response, the Panel indicated that claims 1-20 remained rejected. *See* March 20, 2008 Notice of Panel Decision from Pre-Appeal Brief Review.

The Examiner extended the Applicant the courtesy of contacting the undersigned attorney and indicated that, while the Panel decided that the claims remain rejected, the arguments set forth in the Pre Appeal Brief Request for Review were generally not considered because the after-final amendments were not entered. Subsequently, the undersigned attorney and the Examiner discussed the claims of the present application on December 27, 2008. The Examiner agreed that Ligtenberg would not render the claims unpatentable so long as they were amended as set forth above, thereby prompting the claim amendments.

Claims 1-6 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4,722,348 ("Ligtenberg"). Claims 7-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ligtenberg in view of United States Patent No. 5,803,089 ("Ferre"). The Applicant respectfully submits that these rejections are moot in view of the claim amendment set forth above. Further, the Applicant respectfully traverses these rejections for at

least the reasons previously discussed during prosecution, and in no way concede the propriety of the claim rejections. Indeed, the Applicants have amended the claims to expedite prosecution towards allowance and reserve the right to file a continuation to pursue the subject matter of the claims as previously recited.

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. The Applicant expressly reserves the right, however, to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited to contact the undersigned attorney. The Commissioner is authorized to charge any necessary fees, including the \$810 fee for the RCE, or credit any overpayment to Deposit Account 50-2401.

Respectfully submitted,

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